

VZCZCXRO8824
OO RUEHTRO
DE RUCNDT #0553/01 1532152
ZNR UUUUU ZZH
O 022152Z JUN 09
FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6659
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUEHRL/AMEMBASSY BERLIN IMMEDIATE 1091
RUEHBR/AMEMBASSY BRASILIA IMMEDIATE 1139
RUEHIL/AMEMBASSY ISLAMABAD IMMEDIATE 2361
RUEHMD/AMEMBASSY MADRID IMMEDIATE 6407
RUEHNE/AMEMBASSY NEW DELHI IMMEDIATE 2660
RUEHRO/AMEMBASSY ROME IMMEDIATE 1112
RUEHUL/AMEMBASSY SEOUL IMMEDIATE 1126
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 8747

UNCLAS SECTION 01 OF 05 USUN NEW YORK 000553

SENSITIVE
SIPDIS

DEPARTMENT FOR USUN/W AND IO/UNP; NSC FOR POWER

E.O. 12958: N/A

TAGS: [PREL](#) [KUNR](#) [UNGA](#) [UNSC](#) [GE](#) [JA](#) [BR](#) [IN](#)

SUBJECT: UNGA: UNSC REFORM: START OF SECOND ROUND OF
INTERGOVERNMENTAL NEGOTIATIONS IN INFORMAL PLENARY

REF: USUN NEW YORK 432

¶1. (SBU) Summary and comment: The informal plenary of the General Assembly met on May 22 and 26 for the start of the second round of intergovernmental negotiations on Security Council expansion. The two sessions, during which 51 delegations spoke, focused on the Chair's agenda for the second round of intergovernmental negotiations and his overview paper which attempted to encapsulate the main options presented on the five key issues during the first round of negotiations. The Group of Four (G4) largely accepted the Chair's overview paper while the Uniting for Consensus (UFC) bloc called it overly simplified and not sufficiently comprehensive. The African Group also rejected it, saying it did not properly capture their position on the veto and categories of membership. The Chair also asked the membership to discuss the concept of "review and challenge." The G4 largely suggested that a review could be meaningful after reforms had been in effect for at least 15 years and said that any "challenge" to the position of longer-term Council members should be commensurate to the bar which they had to pass to become longer-term Council members. The UFC said it was premature to discuss a review without first clarifying the actual reforms and rejected the concept of "challenge" since it implies a step towards a permanent seat which they do not support. Many African states also refused to discuss the concept of a review, saying it only applied to the intermediate option which they did not favor. While France and the UK voiced support for the review concept, Russia, China, and the U.S. suggested caution.

¶2. (SBU) Summary and comment cont.: As expected, much of the debate focused on procedural aspects of the Chair's agenda and overview paper and not on the substance of the reform process. While Ambassador Tanin continues to strike the right tone in emphasizing that member states drive the process and he is trying to help catalyze it, we do not foresee any breakthroughs during this round. Both the African Group and India remain focused on additional permanent seats with veto rights while the UFC will have nothing to do with additional permanent seats. The stand-off will continue for at least another round as the African position will not change before the next African summit at the end of June. As a result, there is little pressure for the U.S. to do more than continue to urge all parties to participate in the process "in good faith with mutual respect and in an open, inclusive and transparent manner," as called for in General Assembly Decision 62/557. End summary and comment.

¶3. (SBU) The first meeting of the second round of intergovernmental negotiations on Security Council expansion took place on May 22 and 26. 51 delegations spoke at least once during the six-hour discussion over two days of the informal plenary and only one state (Italy) took the floor a second time during the interactive portion at the end of the session. Most of the discussion focused on Afghan Perm Rep and Chairman of the Intergovernmental Negotiations Zahir Tanin's May 18 letter and overview paper. (Note: USUN e-mailed a copy of the letter and paper to IO/UNP on May 19. End note.)

Chair's May 18 letter and overview

¶4. (SBU) In his letter, Ambassador Tanin outlines a three meeting schedule for the second round of intergovernmental negotiations (May 22, June 11, and June 23). In his 19-paragraph overview paper, he first reviews the first round of intergovernmental negotiations and then places the five key issues under the headings of Chapter V of the UN Charter, clustering the five key issues into two groups for the second round: (1) composition and (2) functions and powers/voting/procedure. For each of the five issues he lists the main options presented during the first round.

¶5. (SBU) Ambassador Tanin also proposes that the first meeting of the second round discuss the concept of any "review or challenge," a concept raised by a few delegations during the first round; followed by a focus in the second

USUN NEW Y 00000553 002 OF 005

meeting on the "composition" issues of size, categories of membership, and regional representation; and a discussion in the third and final meeting of the relationship between the General Assembly and the Council, the veto, and working methods. In his letter, Tanin stressed that the overview is to serve as a "point of departure and reference for the second round" and "meant to catalyze, not circumscribe." He also notes that there will be a third round.

G4 welcomes overview and
schedule for second round

¶6. (SBU) Brazil spoke first for the Group of Four (G4) and said it was okay with the overview though it would have preferred a more intensive negotiating schedule for the second round. The German Perm Rep also voiced support for the overview paper but said the section on regional representation should also note the Charter's focus on both equitable geographical distribution and a member state's contributions to the maintenance of international peace and security as the yardstick for their eligibility to serve on the Council. The Japanese Perm Rep voiced strong support for the overview paper, noting the interconnected nature of the clusters and the need not to repeat the debates of the first round. He urged the membership to cease arguing over the overview paper and focus on the actual substance of the reform process. The new Indian Perm Rep called on the Chair to note in the future the degree to which each proposal receives support.

UFC disputes overview
paper and rejects agenda

¶7. (SBU) Uniting for Consensus (UFC) bloc members overwhelmingly agreed that the Chair's overview was "too simplistic" and not sufficiently comprehensive since it failed to incorporate the various proposals suggested during the first round, including the Italian/Colombian proposal; the S-5 proposal on working methods reform; and the proposal to include a seat for small, island, developing states. Spain said it was premature to reduce all proposals to just

three options under each issue. Turkey said that the veto should be linked to categories of membership, a point echoed by the African Group and other UFC members. A number of UFC states, including Costa Rica, also stressed that member states, not the Chair, should be outlining the format for the next round. The Pakistani Perm Rep specifically stated that he was unable to support the format and agenda proposed in paragraph 19 of the overview paper and called for an overview and agenda consistent with Decision 62/557.

African Group also not pleased

¶18. (SBU) Sierra Leone spoke on behalf of the African Group and said that it had "difficulty with the reordering of the issues" under the Chapter V UN Charter headings since the order of the five key issues had been established in Decision 62/557. He also voiced concern with the selectiveness of the overview, saying that the references to size should be more specific instead of only the two options -- low-twenties and mid-twenties. The African Group's most significant concern was that the African position on the veto was not properly reflected within the options of both the veto and categories of membership. Sierra Leone and a number of other African states emphasized that their first preference is for abolition of the veto and this is not reflected as an option in the Chair's overview paper. This point was also noted by a number of non-African states, including the Philippines and Italy. Nigeria, along with several other African states, stressed that member states' proposals should not be considered on equal footing. Those proposals that have the support of 53 countries (i.e., the African Group) should take precedence over those with more limited support.

¶19. (SBU) African Group member and UFC bloc member Algeria heavily criticized the Chair's overview report, saying that it did not measure up to the African Group's own report sent

USUN NEW Y 00000553 003 OF 005

to the African Union. The Algerian Perm Rep did presciently note that the informal plenary was in more of a "debating mood rather than a negotiating mood." The Egyptian Perm Rep reminded the informal plenary that the African Group would select its own representatives for any African seats in the Council.

¶10. (SBU) The Perm Rep from St. Vincent and the Grenadines reminded the membership of the Chair's statement that his "pithy" overview paper "does not purport to be the sole basis for moving forward" and urged those that are using the paper as a "wedge" to "not give it the importance it does not seek nor deserve." He cautioned against a retreat to the methodology of the OEWG and said the informal plenary is at a "crossroads of progress and stagnation" where it can continue its "aimless and endless debate" or move forward. The Cuban representative also warned the membership to be careful not to let the intergovernmental negotiations become a repetition of well-known positions and arguments, as was the case in the OEWG. He urged the membership to "shed proposals that do not enjoy real support" and said it would not be acceptable for real reform to be postponed indefinitely.

Concept of review/challenge

¶11. (SBU) A number of countries raised general questions about the concept of a review conference, including timing, duration, and scope, but did not suggest concrete answers to their questions. The Belgian representative suggested that there should be a period of 20 years between when the reforms take effect and the holding of a review conference. The Liechtenstein representative also attempted to respond. While the Chair had grouped "review" and "challenge" together, he suggested that "challenge" might be an outcome of a future review. He said that any review of Council reform should be scheduled for a defined moment and the scope

of that review should be defined in advance. He also suggested that the scope might encompass further enlargement; categories of seats; and use of the veto. He said it would be better to have a one-off review event and not create a system of endless reviews of the Council.

¶12. (SBU) G4 member Brazil suggested that a review, scheduled for at least 15 years after any reform takes effect, should "encompass all aspects of reform." Germany also stressed that for a review to be "meaningful" it needs to take place after the reforms have been in effect for a significant period of time and suggested a minimum of 15 years, saying that new longer-term Council members must be allowed time to grow into their role. In terms of the concept of "challenge" to longer-term Council members, Germany and India both suggested that the bar for any challenge be commensurate with and not less than the bar for permanent membership on the Security Council.

¶13. (SBU) Most UFC countries expressed their position that it was premature to discuss a review conference before clarifying the actual reforms. They rejected the concept of "challenge" as a G4 concept since it implies a step towards a permanent member seat and they continue to not support additional permanent members. Any longer-term members under an intermediate option would not be possible future permanent members, in their opinion. The Italian Perm Rep noted that "review and challenge" were not one of the five key issues noted in Decision 62/557. The Republic of Korea Deputy Perm Rep said he was not convinced that "review/challenge" was an integral part of the reform process and that it was premature to discuss it before broad agreement takes shape.

¶14. (SBU) Many African states also refused to examine the concept of "review," saying that it applied only to the intermediate approach and they do not subscribe to that option. Others, like Namibia, questioned what could be discussed on review if there still was no agreement on the concepts for a reformed Council. The South African Ambassador said that a review process would be needed and that it should not be linked to just an intermediate approach.

USUN NEW Y 00000553 004 OF 005

¶15. (SBU) The Singapore Perm Rep stressed in his intervention that Singapore does not support a review for its own sake. A review should mean the possibility of a permanent seat and suggested that if an aspiring permanent member passes three separate reviews spaced ten years apart then that member state should become a permanent member of the Council.

P-5

¶16. (SBU) The French representative again stated France's support for permanent seats for the G4, an African state, as well as an Arab state. He voiced their readiness to consider the intermediate solution and said that any review would depend on the type of reform selected but the bottom line objective is lasting and effective reform. The UK Deputy Perm Rep called on member states to show flexibility on all sides and recommended strong consideration of the intermediate model for which a review mechanism would be key to assessing its effectiveness. He said that by the end of the 63rd session the UK hoped the basic objectives of reform would be agreed.

¶17. (SBU) The Russian Perm Rep stressed that the overview should be treated as a point of departure, not as a substitute for negotiations which are up to the member states. He noted that the overview does not include options not to change the current configuration of the veto or Council working methods. (Note: The third veto option in the overview paper (no extension of the veto to any new permanent

members) is essentially no change to the current veto configuration. End note.) He also stressed that it is too early to discuss a review and suggested it would be more logical to do so after a decision had been taken in favor of the interim model. The Chinese Deputy Perm Rep noted that the five key issues are interconnected, regardless of how they are grouped. He described the overview as a "highly generalized summary" that falls short of reflecting new proposals and solutions. He said it may be hard to reach an agreement on a "review" before reaching general agreement on the five key issues.

¶18. (SBU) Ambassador Wolff delivered the U.S. intervention and welcomed the Chair's letter and overview paper, noting that no paper could ever fully meet the objectives of each and every member state but that it is a fair attempt to highlight the key options on the table from the first round. Noting the difficult underlying issues, he said that the Chair's distillation of the five key issues into two clusters for the membership's focus is workable. He noted that "should negotiations on one cluster move more swiftly, that could be helpful to the overall process." He said there is no reason to complicate discussion of "composition of an expanded Council -- which we see as the crux of the effort...with a theological debate on the relationship between the General Assembly and the Council" as the latter is already settled by the Charter. Similarly, he stressed, "a discussion of Council working methods continues to proceed with concrete results in the Council's active Informal Working Group on Documentation and other Procedural Questions." He said that insisting on "changing the current veto structure is not a productive use of time for our deliberations," though the U.S. is prepared to discuss any or all of these issues for as long as is needed. On the concept of a review, Ambassador Wolff urged prudence, saying "we believe it is unlikely that we will have more than one opportunity to amend the Charter on the issue of Security Council composition in the foreseeable future" and urged a focus on a set of reforms that "do not depend on recourse to a future review conference or the abstract notion of 'challenges.'"

Questions about how to wrap up
current session/OEWG Report

¶19. (SBU) Portugal raised the question of how to conclude the work of the informal plenary during the 63rd session and referred to Decision 62/557's call for a report from the OEWG

USUN NEW Y 00000553 005 OF 005

at the end of the session. Indonesia also questioned what the product would be at the end of the present round. Neither suggested an answer. The Chair did not tackle this issue in his closing remarks.

Chair's closing thoughts

¶20. (SBU) In his closing remarks, the Chair noted that the point of the overview paper was to reflect the main thrust of the first round and to "catalyze, not circumscribe" the process. He underscored that the member states are still leading the process. He said that the member states should feel free to raise whatever issues they deem are important during the next two discussions of each of the clusters, so that by the end of June all five key issues will have been considered separately and jointly during the first and second rounds of the intergovernmental negotiations.

RICE